IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH

AT HYDERABAD

(Special Original Jurisdiction)

TWENTY FIFTH DAY OF JULY

TWO THOUSAND AND FIVE

PRESENT

HON'BLE SRI JUSTICE S.ANANDA REDDY

W.P.No.15815 of 2005

Between:

T. Sridhar Reddy. …Petitioner.

And

The General Manager,

Hyderabad District Cooperative Central Bank Ltd.,

Hyderabad. …Respondent.

COUNSEL FOR THE PETITIONER : Mr. B.Narayana Reddy

COUNSEL FOR RESPONDENT : Mr. P.Radhakrishna Reddy

The Court made the following order :

HON'BLE SRI JUSTICE S.ANANDA REDDY

WRIT PETITION No.15815 of 2005

O R D E R :

This writ petition is filed by the petitioner aggrieved by the proceedings of the respondent dated 23-4-2005 under which the petitioner was dismissed from the service. The grievance of the petitioner is that even though an enquiry was conducted with reference to the charges levelled against him, a copy of the said enquiry report was not furnished to the petitioner before passing the impugned order of dismissal by the respondent bank. Therefore, the impugned order suffers from the violation of principles of natural justice and liable to be set aside on that simple ground itself.

The learned counsel appearing for the respondent bank, however, contended that the petitioner has already approached the appellate authority by filing an appeal, therefore, it is always open to the petitioner to canvass all the issues including non-furnishing of the enquiry report. In fact, the learned counsel sought to rely upon the judgment of the Apex Court in **Managing Director, ECIL, Hyderabad v. B.Karunakar** stating that even if the enquiry report was not furnished, if an appeal is filed and the enquiry report is furnished before the appeal is being heard by the appellate authority, the same would amount to compliance of the principles of natural justice, and therefore, there are no circumstances warranting interference. The learned counsel also contended that the writ petition itself is not maintainable against a society.

Heard both sides and considered the material on record.

Without going into the merits of the contentions advanced by the parties, as an appeal has already been filed by the petitioner before the appellate authority, it is proper and just to direct the appellate authority to dispose of the appeal expeditiously. The appellate authority is also directed to furnish a copy of the enquiry report to the petitioner as it was claimed that the disciplinary authority did not

furnish the enquiry report before passing the impugned order.

The writ petition is accordingly disposed of at the admission stage directing the appellate authority to dispose of the appeal filed by the petitioner expeditiously, preferably, within a period of eight weeks from the date of receipt of a copy of this order. The respondent bank is directed to place a copy of the enquiry report before the appellate authority for furnishing the same to the petitioner.

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(S.ANANDA REDDY,J)

25-07-2005.

Msr.

HON'BLE SRI JUSTICE S.ANANDA REDDY

WRIT PETITION No.15815 of 2005

25-07-2005

(Msr)